

REMARKS

Applicant has carefully reviewed the Application in light of the Office Action dated July 21, 2008 (“*Office Action*”). Claims 1-7, 9, 11, and 13-20 are pending in the Application and are all rejected. Applicant currently amends Claim 1, 9, and 13 to correct typographical errors. No new matter is added. Applicant respectfully requests reconsideration of the pending claims and favorable action in this case.

I. Rejections under 35 U.S.C. § 103(a)

The Examiner rejects Claims 1-9, 11, 13-17, 19, and 20 under 35 U.S.C. §103(a) as unpatentable based on a proposed combination of U.S. Patent No. 6,654,564 issued to Colbourne et al. (“*Colbourne*”), U.S. Patent No. 5,608,562 issued to Delavaux et al. (“*Delavaux*”), U.S. Patent No. 6,456,773 issued to Keys (“*Keys*”), and U.S. Patent Application Publication No. 2003/0031433 issued to Feinberg (“*Feinberg*”). Applicant respectfully traverses this rejection and submits that *Colbourne*, *Delavaux*, *Keys*, and *Feinberg*, whether taken alone or in combination, fail to teach or suggest the combination of limitations recited in the claims.

Consider Applicant’s Claim 1, as amended, which recites:

A dispersion compensation system comprising:

a dispersion compensation module (DCM) operable to receive optical input and provide optical output having a negative dispersion relative to the optical input;

a dispersion enhancement module (DEM) adapted to be optically coupled between the DCM and an optical fiber having a positive dispersion, the DEM operably including a plurality of dispersion enhancement fibers and operable to selectively increase the positive dispersion provided by the optical fiber by a selected one of a plurality of amounts and to provide the optical input to the DCM, the optical input having a positive dispersion substantially equal to the positive dispersion of the optical fiber plus the selected one of the amounts of dispersion in the DEM; and

a controller operable to determine the negative dispersion of the DCM, to determine the positive dispersion of the optical fiber, and to determine the selected one of the amounts of dispersion in the DEM to provide the optical input having a positive dispersion substantially equal

to an inverse of the negative dispersion of the DCM, the controller further operable to detect a switch from the optical fiber to a backup optical transport fiber, the backup transport fiber having a third positive dispersion, and to reconfigure the dispersion enhancement module to provide a fourth positive dispersion, the sum of the third positive dispersion and the fourth positive dispersion substantially equal to the magnitude of the negative dispersion.

Among other aspects, Applicant respectfully submits that *Colbourne, Delavaux, Keys, and Feinberg*, whether taken alone or in combination, fail to teach or suggest “a controller operable . . . to reconfigure the dispersion enhancement module to provide a fourth positive dispersion, the sum of the third positive dispersion and the fourth positive dispersion substantially equal to the magnitude of the negative dispersion,” as Claim 1 recites.

As teaching “a controller operable . . . to detect a switch from the optical fiber to a backup optical transport fiber, the backup transport fiber having a third positive dispersion, and to reconfigure the dispersion enhancement module to provide a fourth positive dispersion, the sum of the third positive dispersion and the fourth positive dispersion substantially equal to the magnitude of the negative dispersion,” as recited in Applicant’s Claim 1, the *Office Action* points to *Feinberg*, figure 4, elements 420, 425, and 322, and paragraphs 37 and 41. However, while the *Office Action* addresses the elements of “a controller operable . . . to detect a switch,” the *Office Action* fails to address the elements of “a controller operable . . . to reconfigure the dispersion enhancement module to provide fourth positive dispersion, the sum of the third positive dispersion and the fourth positive dispersion substantially equal to the magnitude of the negative dispersion.”

Therefore, the *Office Action* fails to present a *prima facie* case for a rejection of Claim 1 and its dependent claims. Likewise, the *Office Action* fails to present a *prima facie* case for a rejection of independent Claims 9, 13, and 16 and their dependent claims. Accordingly, Applicant respectfully submits that Claims 1, 9, 13, and 16 and their dependent claims are allowable over the cited references.

CONCLUSION

Applicant has made an earnest attempt to place the Application in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of the Application in any manner, the undersigned Attorney for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

No fee is believed to be due. However, the Commissioner is hereby authorized to charge any extra fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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